IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.835 OF 2005

Kedarnath Vidya Prasarani. ... Petitioner
v/s.
The Bombay Housing & Development Board & ors. ... Respondents

Mr.S.P.Thorat for petitioner.

Ms.Geeta Shastri for res.Nos.1 & 2.

Ms.Ankita Aher-Sawant for res.No.3.

Mr.Sachin Dhakephalkar for res.No.4.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATE : 12TH APRIL 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioner-Institution was running a school in Kurla (East) area of the city. The school was situated in the premises of respondent No.1. The premises were required for re-development and have already been taken possession thereof. The prayer in the petition is that the petitioner should be allowed to go back into those premises and its occupation of those premises be regularised. That cannot be

done now. Respondent No.1-Board has stated on affidavit that an alternative plot of land has been allotted to the petitioner. This is stated in paragraph 7 of the reply filed by one Natha Anna Chaugule, Estate Manager-I, Mumbai Housing and Area Development Board.

3. Mr.Thorat appearing for the petitioner states that the plot of land is partly encroached. If that is so, it will be open to the petitioner to represent to respondent No.1-Board to offer another plot in lieu of one which was offered earlier. The 1st respondent-Board will consider such a representation from the point of view that it is a representation of a school and it should be examined from such an angle. Petition is disposed of.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)